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LARRY J. MOSKOWITZ  
[L.Moskowitz@dickinsonwright.com](mailto:L.Moskowitz@dickinsonwright.com)  
(202) 457-0160

November 4, 2004

Office of Finance – Refund Department  
Commissioner of Patents and Trademarks  
Washington, DC 20231

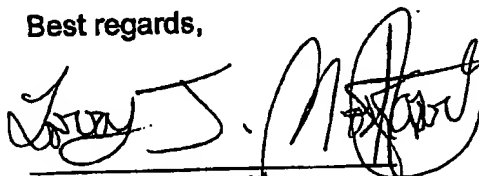
Via Facsimile (703)308-5077 and  
Hand Delivery

**Re: Request for Refund**  
**Serial No. : 08/617,265**  
**Patent No.: 5,727,880**  
**Our Reference No. 80273-00002**

Dear Sirs:

This facsimile serves as a follow-up to my facsimile of July 29, 2004 to the Office of Finance-Refund Department in which I requested a refund of \$108 for U.S. Patent No. 5,727,880. The July 29th facsimile along with the confirmation of the facsimile is enclosed. In view of the enclosures, please refund immediately the overcharged amount of \$108.00 to our deposit account No. 04-1061. If you have questions regarding this matter, please contact us.

Best regards,



Larry J. Moskowitz  
Registration No. 42,911

ljm  
Enclosures

C o u n s e l l o r s   A t   L a w

DETROIT   BLOOMFIELD HILLS   LANSING   GRAND RAPIDS   ANN ARBOR  
WASHINGTON, D.C.

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TO: Office of Finance-Refund Department	COMPANY: Patent and Trademark Office
FAX NUMBER: (703)308-5077	PHONE NUMBER: (703)305-4229

From: Larry J. Moskowitz

Date: November 4, 2004

Total Number of Pages Including Cover Sheet: 12

Message: Attention: Latrice

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**OFFICE CODE**Client Name:  
Client/Matter Number: 80273/2  
Attorney Number: [1027]  
Secretary/Ext.:Matter Name:  
Attorney Initials: LJM  
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Amount:

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS ANN ARBOR WASHINGTON, D.C.

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WRIGHT** PLLC

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1801 L STREET, N.W. • SUITE 600 • WASHINGTON, D.C. 20006

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WASHINGTON 0005

65-270550

W 013045

4/2/2004

PAY TO THE ORDER OF Commissioner of Patents

U.S.A.s

1,741.00

One Thousand Seven Hundred Forty-One and 00/100\*\*\*\*\*

DOLLARS

Commissioner of Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

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WRIGHT

VOID AFTER 120 DAYS

COUNTERSIGNATURE REQUIRED OVER \$500.00

*Susan J. Carley*  
*Mon. Bergman*  
AUTHORIZED SIGNATURE

MEMO 2500: 80273-2 LJM 1027

013045 055002707 20052291

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

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Commissioner of Patents

4/2/2004 W 013045  
1,741.00

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1,741.00

Correction of Errors in Small Entity  
Patent No. 5,727,880

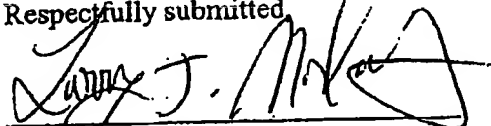
Attorney Docket No.: 80273-2  
Customer No.: 35161

# COPY

ITEMIZATION OF DEFICIENCY PAYMENTS				
TYPE OF FEE	CURRENT AMOUNT NON-SMALL ENTITY	FEE FOR	SMALL ENTITY FEE ACTUALLY PAID	DEFICIENCY AMOUNT OWED
3½ Year Maintenance Fee paid on 3/4/02	\$910		\$440	\$470
Issue Fee paid on 7/2/97	\$1330		\$645	\$685
Terminal Disclaimer Fee under 37 CFR 1.20(d) paid on 2/24/97	\$110		\$55	\$55
Independent Claims in excess of 3 added via amendment on 11/19/96	$\$86 \times 2 = \$172$		\$80	\$92
Claims in excess of 20 added via amendment on 11/19/96	$\$18 \times 4 = \$72$		\$44	\$44 (fee reduction, so deficiency is equal to the amount previously paid in error)
Filing Fee paid on 3/18/96	\$770		\$375	\$395
<b>TOTAL</b>				<b>\$1741</b>

A check in the total amount of \$1741 to cover the deficiencies owed for previous fees erroneously paid as a small entity is enclosed. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 04-1061.

Respectfully submitted



Larry J. Moskowitz  
Registration No. 42,911

Dickinson Wright PLLC  
1901 L St., N.W., Suite 800  
Washington, D.C. 20036  
Telephone: 202/659-6946  
Facsimile: 202/659-1559  
Date: April 15, 2004  
DC 80273-2 92379

**COPY**

Attorney Docket No.: 80273-2  
Customer No.: 35161

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of:

OMEGA ENGINEERING, INC.

Patent No.: 5,727,880

Issue Date: March 17, 1998

For: METHOD AND APPARATUS FOR MEASURING TEMPERATURE USING  
INFRARED TECHNIQUES

**CORRECTION OF ERRORS IN SMALL ENTITY STATUS  
UNDER 37 CFR 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee asserts that assignee's attorney of record established status as a small entity in good faith, and paid fees as a small entity in good faith in Patent No. 5,727,880. Assignee asserts that assignee later discovered that such status was in error and that the claim of small entity status was made in good faith without any intent to deceive the Patent and Trademark Office. Notification of the loss of small entity status upon discovery of the error is hereby made by assignee to the Patent and Trademark Office. Pursuant to 37 CFR 1.28(c), payment of deficiencies owed for fees erroneously paid as a small entity for Patent No. 5,727,880 is enclosed. The following is an itemization of the deficiency payment owed.

## Deposit Account Statement

BALANCE	CHARGES	REPLENISH BALANCE
\$6,015.00	\$4,532.00	\$3,890.00    \$5,373.00

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## Deposit Account Statement


**United States  
Patent and  
Trademark Office**
**Deposit Account Statement**

Requested Statement Month:

July 2004

Deposit Account Number:

041061

Name:

DICKINSON WRIGHT PLLC

Attention:

Address:

1901 "L" STREET, N.W.

City:

WASHINGTON

State:

DC

Zip:

20036

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	7	10613336	71195-01002	2201	\$43.00	\$5,972.00
07/01	1220	76386633	27259-0001	7003	\$100.00	\$5,872.00
07/02	43	1845076	80273-0278	7205	\$100.00	\$5,772.00
07/02	44	1845076	80273-0278	7201	\$400.00	\$5,372.00
→ 07/02	106	08617265	80273-2	1001	\$283.00	\$5,089.00
→ 07/02	108	5727880	80273-2	1559	\$470.00	\$4,619.00
07/07	583	2183308	045565-00014(B)	7205	\$300.00	\$4,319.00
07/07	584	2183308	045565-00014(B)	7208	\$600.00	\$3,719.00
07/09	178	78447773	45566-7	7001	\$335.00	\$3,384.00
07/12	1020	76102898	15105-0013	7003	\$100.00	\$3,284.00
07/13	2	REPLENISHMENT		9204	-\$435.00	\$3,719.00
07/13	3	REPLENISHMENT		9204	-\$125.00	\$3,844.00
07/13	352	78449360	45566-7	7001	\$335.00	\$3,509.00
07/13	773	76415336	99993-418A	7004	\$150.00	\$3,359.00
07/13	777	76415335	99993-418B	7004	\$150.00	\$3,209.00
07/14	40	10693329	40620-0002	2202	\$9.00	\$3,200.00
07/15	6	REPLENISHMENT		9204	-\$943.00	\$4,143.00
07/20	919	1906081	70421-0002	7205	\$100.00	\$4,043.00
07/20	920	1906081	70421-0002	7201	\$400.00	\$3,643.00
→ 07/22	3	08617265		9204	-\$645.00	\$4,288.00
07/22	9	REPLENISHMENT		9204	-\$400.00	\$4,688.00
07/22	53	10458468	V2020424	1201	\$172.00	\$4,516.00
07/27	727	76257621	27012-0001C	7004	\$150.00	\$4,366.00
07/28	7	PAYMENT		9203	-\$842.00	\$5,208.00
07/28	8	PAYMENT		9203	-\$500.00	\$5,708.00
07/28	62	78457392	071490-00001	7001	\$335.00	\$5,373.00
		START	SUM OF	SUM OF	END	

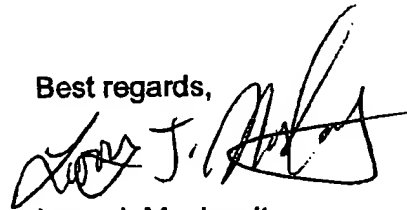
DICKINSON WRIGHT PLLC

July 29, 2004  
Page 2

In response, Ms. Kurtz went back into the system and credited the deposit account with \$645 on 7/22/04. However, this credit does not cover the total amount of the previous debits of \$283 and \$470. A difference of \$108 still exists. When I brought this discrepancy up with Ms. Kurtz, she told me to contact Mr. Dingle's office. Mr. Dingle instructed me to write a letter to the Office of Finance.

I have enclosed with my letter copies of the July, PTO Deposit Account Statement, the "Correction of Errors in Small Entity Status" and the check for \$1741 that were submitted, and the corresponding postcard (date stamped by the PTO). In view of the above, please refund immediately the overcharged amount of \$108.00 to our deposit account No. 04-1061. If you have questions regarding this matter, please contact us.

Best regards,



Larry J. Moskowitz

ljm  
Enclosures

DC 80273-2 95203

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(202) 457-0160

July 29, 2004

Office of Finance – Refund Department  
Commissioner of Patents and Trademarks  
Washington, DC 20231

Via Facsimile (703)308-5077

**Re: Request for Refund**  
**Serial No. : 08/617,265**  
**Patent No.: 5,727,880**  
**Our Reference No. 80273-00002**

Dear Sirs:

Upon review of the July 2004 monthly statement for deposit account No. 04-1061, we have discovered a number of improper charges (see copy of statement enclosed). As a result of these improper charges, an overcharged amount of \$108.00 is owed to our deposit account No. 04-1061. The following is an explanation of why these charges are improper.

On April 15, 2004, I submitted a "Correction of Errors in Small Entity Status" to the U.S. Patent and Trademark Office for U.S. Patent No. 5,727,880. Included with the petition was a check for \$1,741 as payment for the itemized deficiencies which were owed. The June 2004 monthly statement revealed that two improper charges were made to deposit account 04-1061. A first charge for \$283 was made on 7/2/04. It was posted to REF 08/617,265, which was the application number for U.S. Patent No. 5,727,880. It incorrectly listed the fee code as 1001. (I will explain why this fee code is incorrect below). The second improper charge was for \$470. It was posted to REF 5,727,880. It incorrectly listed the fee code as 1559 (also explained below). No debits should have been made to the deposit account because the check for \$1,741 covered the total deficiency payment owed. A discussion on June 28, 2004 with the petition examiner handling the case, Irvin Dingle, confirmed this.

On July 12, 2004, I discussed this issue with Eleanor Kurtz, the individual who handled the check for \$1741. From our discussion, it appears that an incorrect fee code was used when applying the check of \$1741 to the deficiencies owed. According to Ms. Kurtz, all the total deficiency (which is the sum of the itemized deficiencies) listed in the "Correction of Errors in Small Entity Status" for U.S. Patent No. 5,727,880 should have been coded using one fee code, fee code 1461. This fee code represents a deficiency fee submitted under 37 CFR 1.28(c). Instead, each itemized deficiency listed was coded individually with a separate fee code. I asked Ms. Kurtz to go back into the system and correct the coding that was applied.

C o u n s e l l o r s   A t   L a w

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TO: Office of Finance - Refund Department	COMPANY: Patent and Trademark Office
FAX NUMBER: (703)308-5077	PHONE NUMBER: (703)305-4229

From: Larry J. Moskowitz

Date: July 29, 2004

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**OFFICE CODE**Client Name:  
Client/Matter Number: 80273/2  
Attorney Number: [1027]  
Secretary/Ext.: RMMatter Name:  
Attorney Initials: LJM  
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